

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2103 of 2003

Shri Anna Bapu Mane
since deceased by heirs
1A Smt.Sitabai Anna Mane
1B Shri Maruti anna Mane
1C Smt.Shalan Anna Mane ..Petitioners

V/s

1. Sou.Ningabai Balu Palage
2. Sou.chingabai Bhimrao Madane
3. Smt.Ratnabai Balu Patil ..Respondents

Shri V.B.Rajure for Petitioners
Shri S.S.Shah for Respondent

CORAM:S.R.SATHE, J.

DATED:9th Jan. 2006

P.C.:-

. Heard both the learned Advocates. Perused the
record.

2. Rule, returnable forthwith.

3. It is very clear that amendment sought was absolutely essential for just and proper decision of the suit. Though there was some delay in filing the application that was not sufficient to justify the rejection of the application for amendment.

4. The order passed by the learned trial Judge is not legal and correct. Hence the same is set aside and the application for amendment filed by the plaintiff is allowed.

5. Rule made absolute accordingly.

(S.R.SATEH, J.)